

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Judy Jones,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 12 C 10391
	)	
P.N. Financial, Inc., an Illinois	)	Judge Lee
corporation,	)	
	)	
Defendant.	)	

**MOTION FOR AN AWARD OF DAMAGES  
AGAINST DEFENDANT P.N. FINANCIAL, INC.**

Plaintiff, Judy Jones, hereby requests that this Court enter an order awarding her damages, and her attorneys' fees and costs, against Defendant, P.N. Financial, Inc. ("PNF"). In support of her motion, Plaintiff states:

1. The Complaint in the above action was filed on December 28, 2012 (Dkt. 1), and Defendant PNF was served, via its President and registered agent, Nelson Macwen with the Complaint and Summons on January 10, 2013 (Dkt. 7). Thus, Defendant PNF had until January 31, 2013, to appear and to answer or otherwise plead.

2. On February 8, 2013, Plaintiff filed a motion for default judgment against Defendant PNF, due to its failure to appear and answer or otherwise plead to the Complaint.

3. On February 19, 2013, this Court granted the motion for default. This matter is set for a prove-up hearing on April 4, 2013.

4. Ms. Jones' husband became disabled, which had diminished their assets and income which caused her to fall behind on paying her bills, including one she allegedly owed for a Metris credit card account. When Defendant P.N. Financial, Inc. ("PNF") began trying to collect this consumer debt from her, she sought the assistance of the legal aid attorneys at the Chicago Legal Clinic's LASPD program, regarding her financial difficulties and Defendant's collection actions. Plaintiff's attorneys at LASPD told Defendant PNF, in writing that she was represented by counsel and directed them to stop contacting me, and to stop all further collection activities. Despite being advised that she was represented by an attorney, on November 26, 2012, Defendant PNF directly called her attempting to collect the Metris debt despite the fact that it had been notified that she was represented by an attorney.

5. Defendant's collection actions upset and confused her because her legal aid attorneys had already told Defendant PNF to stop contacting Plaintiff, yet it continued to contact her.

6. Therefore, Plaintiff asks that she be awarded damages of \$1,000 in actual damages for the emotional distress that Defendant has inflicted upon her and \$1,000 in statutory damages, pursuant to 15 U.S.C. § 1692k(a)(1) and (2)(A). Attached as Exhibit A is the declaration of Ms. Jones attesting to her damages.

7. These amounts are appropriate because Defendant PNF has ignored this Court's proceedings, which shows an utter lack of concern over its conduct, and has prevented Plaintiff from obtaining the information needed for this Court to assess damages fully, i.e., frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, and the extent to which such noncompliance was

intentional, see, 15 U.S.C., §1692k(b)(1).

8. Moreover, Plaintiff requests that, pursuant to 15 U.S.C., § 1692k(a)(2)(3), her attorneys be awarded their attorneys' fees of \$6,654.50 and costs of \$456.70, in the total amount of \$7,111.20, incurred in this matter. Attached as Exhibit B, is the declaration of one of Plaintiff's attorneys, David J. Philipps, which sets forth the fees and expenses that they will have incurred in this matter.

WHEREFORE, Plaintiff respectfully requests that she be awarded \$1,000 in actual damages for emotional distress and \$1,000 in statutory damages, and that her attorneys be awarded attorneys' fees of \$6,654.50 and costs of \$456.70, in the total amount of \$7,111.20, for a total award of \$9,111.20 against Defendant, P.N. Financial, Inc.

Respectfully submitted,

/s/ David J. Philipps  
One of Plaintiff's Attorneys

Dated: March 22, 2013

David J. Philipps (Ill. Bar No. 06196285)  
Mary E. Philipps (Ill. Bar No. 06197113)  
Angie K. Robertson (Ill. Bar No. 06302858)  
Philipps & Philipps, Ltd.  
9760 S. Roberts Road  
Suite One  
Palos Hills, Illinois 60465  
(708) 974-2900  
(708) 974-2907 (FAX)  
davephilipps@aol.com  
mephilipps@aol.com  
angiekrobertson@aol.com

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2013, a copy of the foregoing **Motion for An Award of Damages Against Defendant P.N. Financial, Inc.**, was filed electronically and that I sent a copy of the foregoing **Motion**, via U.S. Mail, first class, postage pre-paid, on March 22, 2013, before 5:00 p.m.

Nelson Macwen, President,  
and registered agent  
P.N. Financial, Inc.  
7330 N. Cicero  
Lincolnwood, Illinois 60712

/s/David J. Philipps  
David J. Philipps  
Philipps & Philipps, Ltd.  
9760 South Roberts Road  
Suite One  
Palos Hills, Illinois 60465  
(708) 974-2900  
(708) 974-2907 (FAX)  
davephilipps@aol.com